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 Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA  
 SAN FRANCISCO DIVISION

EVERETT HOGGE and PRISCILLA  
 HOGGE,

Plaintiffs,

vs.

A.W. CHESTERTON COMPANY, *et al*,

Defendants.

Case No.: C07 2873 MJJ

**DECLARATION OF MARK ABELSON IN  
 SUPPORT OF PLAINTIFFS' MOTION  
 FOR COSTS AND EXPENSES  
 INCURRED AS A RESULT OF  
 REMOVAL**

[28 U.S.C. § 1447(c); ND CA Local Rules 7-2 & 7-8]

Hearing Date: July 24, 2007  
 Time: 9:30 a.m.  
 Courtroom: 11, 19<sup>th</sup> Floor  
 Judge: Hon. Martin J. Jenkins

I, Mark Abelson, declare as follows:

1. I am an attorney admitted to practice law before the United States District Court for the Northern District of California and all the courts of the State of California and am a partner in the firm of Campagnoli Abelson & Campagnoli, counsel for Paul, Hanley & Harley, LLP. The matters stated herein are true to my own personal knowledge unless specifically stated otherwise. If called upon as a witness, I could and would testify to the following facts.

2. I was admitted to practice law in the State of California in 1976.

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1           3. From 1976 through 1979 I worked as a trial attorney for an insurance defense firm.  
2 In 1979 I started my own practice, and since that time my practice has involved primarily  
3 plaintiffs tort litigation with an emphasis on legal malpractice cases. In the last twenty years a  
4 significant portion of my practice has been devoted to representing law firms regarding ethical  
5 issues, issues of conflict of interest, client attorney relationships and problems arising therefrom,  
6 fee disputes, law firm business formation and business entity termination, hiring and firing of  
7 attorneys, expert testimony regarding the standard of care and related matters, and finally,  
8 presenting seminars and/or teaching attorneys for sanctioned continuing legal education courses.  
9 I am well familiar with the standard of care to be exercised by attorneys as well as the business  
10 practices of law firms and the value of work performed by attorneys and the hourly rates charged  
11 by attorneys.

12           4. I have reviewed the Declarations of Deborah R. Rosenthal, Stephen J. Healy, Philip  
13 A. Harley, and Dean A. Hanley all in Support Of Plaintiffs' Motion for Costs and Expenses  
14 Incurred as a Result of Removal, as well as the Declaration of Dean A. Hanley in Support of  
15 Plaintiffs' Re-Notice of Motion for Remand.

16           5. I have added up all of the time spent by each of the declarants for the professional  
17 services rendered by them in regard to the Motion for Removal and the Motion for Remand.

18           6. Based on my knowledge, experience and familiarity with the practice of law as  
19 outlined in Paragraph 3 of this Declaration, it is my opinion that the legal work performed by the  
20 aforementioned declarants, including work performed on the weekends and in a most expeditious  
21 and exigent manner, was very reasonable in terms of the amount of time expended by each  
22 declarant. It should be noted that the result achieved for the client of Paul, Hanley & Harley,  
23 LLP, was outstanding in light of the foreseeable harm to the Plaintiffs in this matter.

24           7. Additionally, based on my knowledge and experience practicing law in all of the  
25 areas as stated in Paragraph 3 of this Declaration and my familiarity with the San Francisco Bay  
26 Area law firms, including the standard of care, business practices and rates for attorneys fees and  
27 rates charged by individual attorneys, it is my opinion that the hourly rates as stated in each of

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1 the abovementioned declarations is reasonable and well within the reasonable range for other  
2 attorneys with similar years of practice and experience. Furthermore, the costs that have been  
3 incurred are also reasonable for the work performed by each of these declarants.

4 8. On June 15, 2007, I spent approximately 1.5 hours communicating with Deborah  
5 Rosenthal, reviewing the declarations identified in this Declaration, and in preparation of my  
6 own declaration.

7 9. My hourly fee is \$430.00 per hour.

8 I declare under the penalty of perjury under the laws of the State of California that the  
9 foregoing is true and correct. Executed on June 15, 2007, in San Francisco, California.

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12 Mark Abelson  
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